



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,067	01/28/2002	Masatoshi Hoshino	381NP/50868	8762

23911 7590 09/15/2003

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

SOLIS, ERICK R

ART UNIT	PAPER NUMBER
----------	--------------

3747

DATE MAILED: 09/15/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,067

Applicant(s)

HOSHINO ET AL.

Examiner

Erick R Solis

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s). ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to a throttle valve controller, classified in class 123, subclass 399.
 - II. Claim 10, drawn to a throttle valve controller, classified in class 123, subclass 399.
 - III. Claims 11 and 12, drawn to a throttle valve controller, classified in class 123, subclass 399.
 - IV. Claim 13, drawn to sensing the temperature of an electric motor, per se, by sensing electricity, classified in class 324, subclass 71.5
 - V. Claim 14, drawn to sensing the temperature of an electric motor for driving a throttle valve, by sensing electricity, classified in class 324, subclass 71.5.
 - VI. Claim 15, drawn to a throttle valve controller, classified in class 123, subclass 399.
 - VII. Claim 16, drawn to a throttle valve controller, classified in class 123, subclass 399.
 - VIII. Claim 17, drawn to a throttle valve controller, classified in class 123, subclass 399.
 - IX. Claim 18, drawn to a throttle valve controller, classified in class 123, subclass 399.

Art Unit: 3747

- X Claim 19, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XI Claim 20, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XII Claim 21, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XIII Claim 22, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XIV Claim 23, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XV Claim 24. , drawn to a throttle valve controller, classified in class 123, subclass 399
- XVI Claim 25 , drawn to a throttle valve controller, classified in class 123, subclass 399.
- XVII Claim 26, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XVIII Claim 27, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XIX Claim 28, drawn to a throttle valve controller, classified in class 123, subclass 399.
- XX Claim 29. , drawn to a throttle valve controller, classified in class 123, subclass 399.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I-III and V-XX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each of these inventions has separate utility, such as by use in an engine which does not require the particulars of each of the other subcombinations. See MPEP § 806.05(d).

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 3747

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick R Solis whose telephone number is (703) 308-2651. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (703) 308-1946. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



Erick R Solis
Primary Examiner
Art Unit 3747

ers